

# HOUSE BILL REPORT

## HB 1425

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### As Passed Legislature

**Title:** An act relating to municipal water or sewer utilities.

**Brief Description:** Addressing municipal water or sewer utilities.

**Sponsors:** Representatives Linville, Mulliken, Ericksen and Scott.

**Brief History:**

**Committee Activity:**

Local Government: 2/8/99, 2/24/99 [DP].

**Floor Activity:**

Passed House: 3/5/99, 96-0.

Passed Senate: 4/6/99, 42-0.

Passed Legislature.

<h3>Brief Summary of Bill</h3>
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| <ul style="list-style-type: none"><li>· Authorizes cities and towns contiguous with Canada to contract with a Canadian corporation for water or sewer service.</li></ul> |
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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 8 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

**Staff:** Caroleen Dineen (786-7156).

**Background:**

The United States Constitution specifies "[n]o state shall, without the consent of congress, ... enter into any agreement or compact with another state, or with a foreign power ...." While this constitutional provision was initially interpreted as an unqualified prohibition on any compacts or agreements without express congressional consent, later

courts have upheld interstate compacts involving either minor matters or matters for which Congress later enacted a general authorization to compact.

Cities and towns are authorized under Washington law to operate utilities, including water and sewer facilities. Cities and towns also may acquire, maintain and operate out-of-state facilities for water service in cooperation with municipalities of bordering states which authorize such agreements.

Washington water-sewer districts contiguous to Canada are authorized by statute to contract with Canadian corporations for water service and facilities.

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**Summary of Bill:**

Cities and towns contiguous with Canada are authorized to contract with Canadian corporations for water or sewer facilities.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill provides the opportunity to positively affect water quality and assure safe water supply. This bill allows the city of Sumas to contract with a Canadian city, Abbotsford, to transport effluent across borders and to possibly also transport water. This has been an issue for more than five years. The first cross-border sewage line in the United State is now installed, and this bill allows the small city of Sumas, which has no opportunity to expand its sewage treatment plant capacity, to contract for sewer service with Abbotsford, a large city with very good treatment capability. This bill also may provide opportunities for them to contract for water service. Sumas needs this bill to address its counsel's concern regarding statutory authority to contract. This is a practical solution for a very small city.

**Testimony Against:** None.

**Testified:** Representative Linville, prime sponsor; Representative Ericksen, sponsor; David Davidson, City of Sumas; and Dave Williams, Association of Washington Cities.